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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,680	07/03/2003	Melissa B. Rogers	9760-60463	7353
29148	7590	08/25/2004	EXAMINER	
ONEBANE, BERNARD, TORIAN, DIAZ, MCNAMARA & ABELL P. O. BOX 3507 LAFAYETTE, LA 70502			LONEY, DONALD J	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/613,680

Applicant(s)

ROGERS, MELISSA B.

Examiner

Donald Loney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/25/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

### DETAILED ACTION

1. Applicant is advised that should claims 1-4 be found allowable, claims 15-18 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by either Boyle (3871636) or Stephenson et al (5266378).

Both references teach a article that has a convex top surface and a flat bottom surface wherein a plurality of ribs are oriented vertically from the top to the bottom. Refer to figures 1,2,and 5 in Boyle showing a convex top shell surface 12 with ribs 24 forming an open lattice internal structure therein (see column 1, line 63 through column 2, line 42). The examiner deems the bottom as being open before base 14 is attached thereto, or alternatively, open due to the disclosure of the fit between the shell and base is not air tight in column 2, lines 37-42. Refer to the bumps 23 and 38, in Stephenson et

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al, that contain a convex top and internal ribs 30 or 46 that are open at the bottom.

Refer to figures 1 and 3-6 along with column 3, line 37 through column 4, line 60.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Stephenson et al or Boyle in view of Davis (4788777).

The primary references teach the invention substantially as recited except for the fiber filled specific materials used to form the article.

Davis teaches to reinforce plastic ribbed lattice type structures with glass fibers in order to aid in reinforcing the product formed therefrom (see column 2, lines 64-68).

Also refer to the Abstract and figures 2-4 showing the rib type structure.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary references to form the article of the recited specific fiber reinforced materials, as taught by Davis, motivated by the fact Davis teaches to included fibers in various plastic materials in order to provide the desired strength thereto.

6. Claims 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Boyle or Stephenson et al in view of Neumann et al (5681416) and Davis.

The primary references teach the invention substantially as recited except for the dovetail groove connections of claims 5, 10, and 11.

Neumann et al teaches to include dovetail connection on the ends of an elongated member in order to connect them in series. Refer to figures 1 and 4 along with column 3, lines 40-64.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary references to include dove tail connections on the ends thereof, as taught by Neumann et al, in order to connect a series of pieces together. It would also be obvious to include fibers in the specific materials of claims 6-8 and 11-14 as discussed above with respect to Davis.

7. Claims 1, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "MOON SUPPORT" internet web page cited by the applicant in view of Beekman (5972475).

The web site cited by the applicant, which the date on the lower right corner is June 11, 2002, teaches a pad as recited by the applicant (i.e. rounded top and flat bottom). It does fail to teach the open lattice structure of ribs.

However, Beekman teaches to form a rib like lattice structure in the center of a plastic member in order to reduce the weight and amount of material used while still maintaining the article strength and rigidity. Refer to the Abstract, figures 1-4, column 2, lines 21-24 and column 4, lines 1-18.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary reference to form the solid member of a

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lattice rib type internal structure, as taught by Beekman, in order to form a reduced weight article motivated by the fact that Beekman teaches that the use of a rib type structure does not reduce the strength of the article and uses less material and would minimize the cost of the article.

8. Claims 2-8, 10-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over "MOOM SUPPORT" in view of Beekman as applied to claims 1,9 and 15 above, and further in view of Neumann et al and Davis.

The primary references fail to teach the dovetail connection and specific fiber reinforced materials used to form the article.

Neumann et al teaches to include dovetail connection on the ends of an elongated member in order to connect them in series. Refer to figures 1 and 4 along with column 3, lines 40-64.

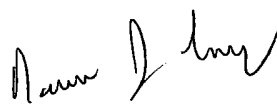
Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary references to include dove tail connections on the ends thereof, as taught by Neumann et al, in order to connect a series of pieces together. It would also be obvious to include fibers in the specific materials of claims 2-4, 6-8, 11-14 and 16-18 as discussed above with respect to Davis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon-Fri. 8AM-4PM, maxi-flex schedule.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Donald Loney  
Primary Examiner  
Art Unit 1772

DJL:D.Loney  
08/23/04